

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JUSTIN J. HARPER,

Plaintiff,

v.

TRANSPORTATION OFFICER
(DRIVER), et al.,

Defendants.

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No. 4:20-cv-00660-SRC

MEMORANDUM AND ORDER

This matter comes before the Court on its own motion. On May 20, 2020, the Court ordered plaintiff to either file a motion for leave to proceed in forma pauperis or pay the filing fee within thirty days. (Docket No. 3). Plaintiff has not complied. Therefore, for the reasons discussed below, this action will be dismissed.

Discussion

Plaintiff is a self-represented litigant currently incarcerated at the Phelps County Jail in Rolla, Missouri. On May 18, 2020, he filed a civil complaint pursuant to 42 U.S.C. § 1983. (Docket No. 1). The complaint named as defendants two officers who had transported plaintiff from the Phelps County Jail to the federal courthouse in St. Louis. Plaintiff did not file a motion for leave to proceed in forma pauperis, and he did not pay the required filing fee.

On May 20, 2020, the Court directed plaintiff to either file a motion for leave to proceed in forma pauperis or pay the filing fee. (Docket No. 3). If plaintiff filed a motion for leave to proceed in forma pauperis, he was further instructed to submit a copy of his certified inmate account statement for the six-month period immediately preceding the filing of the complaint.

Plaintiff was given thirty days in which to comply. The Court advised plaintiff that if he failed to comply, his case would be dismissed without prejudice and without further warning.

Plaintiff was required to either file a motion for leave to proceed in forma pauperis or pay the filing fee by June 19, 2020. That deadline has expired. In fact, the Court has given plaintiff substantially more than thirty days in which to respond. Nonetheless, plaintiff has failed to file a motion for leave to proceed in forma paupers or pay the filing fee. He has also failed to file a motion with the Court seeking an extension of time in which to comply. Indeed, since the filing of his complaint, the Court has had no further communications from plaintiff whatsoever.

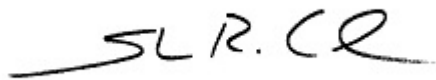
Under Rule 41(b), an action may be dismissed for failure to comply with a court order. *See* Fed. R. Civ. P. 41(b). *See also Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (stating that district court may dismiss a pro se litigant's action for failure to comply with a court order on its own initiative). Because plaintiff has not complied with the Court's order of May 20, 2020 or filed any type of motion seeking an extension of time in which to comply, the Court will dismiss this action without prejudice.

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice for failure to comply with the Court's order of May 20, 2020. *See* Fed. R. Civ. P. 41(b). A separate order of dismissal will be entered herewith.

IT IS FURTHER ORDERED that an appeal from this dismissal would not be taken in good faith.

Dated this 3rd day of September, 2020.



STEPHEN R. CLARK
UNITED STATES DISTRICT JUDGE